

REMARKS

This Response is submitted in response to the Office Action dated August 5, 2005. The Office Action contains restriction and election requirements. At the outset, Applicants elect, with traverse, the claims of Group I (1, and 6-10). Further, Applicant's elect, with traverse, Species A. Applicants reserve the right to file one or more divisional applications to the non-elected species and/or claims. Applicants respectfully submit for the reasons set forth below that the restriction and the election of species requirements are not proper and accordingly request that they be reconsidered and withdrawn.

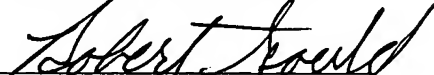
Applicants respectfully submit that this election of species requirement is not proper. Restriction is only authorized under the statute when two or more "independent and distinct" inventions are claimed. According to the M.P.E.P. "independent" means that there is no disclosed relationship between the two or more subjects. That simply is not true in the present case. The inventions of independent claims 1 and 11 (Groups I and II) are both directed to nostril hair trimmers. Clearly they are not independent inventions. Moreover, the claims of Group III are directed to working elements of nostril hair trimmers and as such are also clearly related to the nostril hair trimmers of independent claims 1 and 11 from which they properly depend. They are not independent as required by statute.

Applicants respectfully submit that the election requirement is also unauthorized. The M.P.E.P. requires the Office action to specifically identify which claims read on which of the species. The Office action has failed to do so. In fact, the Office action requires Applicants to list all the claims that are readable thereon. Species A, B and C are not species of the invention but instead are elements (cutter blades) of the claimed nostril hair clippers. Claims can't read on an isolated elements of their respective inventions. Applicant therefore requests that the requirement for an election be reconsidered and the requirement be withdrawn.

The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting prosecution of this application. The Commissioner is authorized to charge any underpayment of fees or credit any overpayment of fees to Deposit Account No. 02-1818 (order no. 112440-348) for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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BY 

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